



# Journey for Justice:

Organizing to Pass the Racial and Identity Profiling Act (AB 953)



*After more than twenty years* of attempting to hold law enforcement accountable, California passes a groundbreaking bill to address racial and identity profiling. AB 953, the Racial and Identity Profiling Act of 2015, was introduced in the California State Legislature in February 2015, and needed to pass the Assembly and Senate in order for Governor Jerry Brown to sign it into law. The Communities United for Fair Policing Coalition was instrumental in creating the political will to push the bill through the legislative process. The Coalition is comprised of six sponsoring organizations: ACLU of California, Asian Americans Advancing Justice, Dignity & Power Now, PICO California, Reform California, Youth Justice Coalition and supported by other organizations such as the Courage Campaign, Incite Insight, and Amplify. In order to educate the state Senate and governor about the importance of AB953 the coalition held a statewide action at the Capitol in Sacramento on September 2nd. During the course of the event, community leaders, as well as victims and their loved ones testified about the personal and broader impacts of racial profiling and police violence. All of the speakers highlighted the importance of holding law enforcement accountable for their actions and the coalition asked for a meeting with the governor. After the governor failed to respond, the Coalition staged a “sit in” in front of his office and refused to leave for the rest of the day—effectively shutting down all activity in his office. On September 25th, the Coalition launched a statewide caravan in which it collected signed “prayer cards” from individuals in support of the bill from around the state. On September 27, the caravan arrived in Sacramento, delivered over 3,000 cards and commenced a 24-hour vigil at the Capitol. Finally, on October 3rd, Governor Brown signed the bill after members of the campaign announced that they would engage in a hunger strike. The following is a step-by-step account of the struggle for, and passage of AB 953.

## The Moment & The Movement

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Theresa Smith's heartache began long before five Anaheim Police officers shot 15 bullets into her son Caesar Cruz's back, while he sat in his car unarmed, still buckled into the seatbelt. It began long before the Orange County District Attorney's office found that the shooting was "justified." Her heartache began when Caesar—a Latino male, a son, husband, and father of five—like so many people of color in California, and across the country, started being systematically targeted and racially profiled by law enforcement. Ms. Smith said that before Caesar's death "he would call me all the time and say that they had stopped and searched him for no reason. They profiled him as a gang member because of his race, his baldhead, and his tattoos. They would make excuses to stop him in his car, or even while he was walking to his children's school. This would happen at least once-a-month and no matter how much we complained, there was no accountability."

Sadly, this story is neither new nor is it unique. Though people of color have frequently spoken out about being racially profiled and unfairly targeted at the hands of law enforcement officers, this issue did not become a priority in the American consciousness until recent videos of black people being abused or killed by police began to saturate American (and international) media. The public focus only changed when in rapid succession Rekia Boyd was shot in her back; Eric Garner breathed his last breath; Aiyana Stanley-Jones and Tamir Rice were robbed of their childhoods; and the murders of Andy Lopez, Richie Estrada, Paul Castaway, Amilcar Perez-Lopez, and Alejandro Nieto by law enforcement officials served as reminders that Latinos and Native Americans were not immune to American state violence. To most communities of color, this was no revelation, however with no concrete statistics to prove this, it has been virtually impossible to create policies that will make a difference. A poll taken in 2015 showed that more than half of Californians believe that "blacks and other minorities do not receive equal treatment in the criminal justice system." These perceptions are a reflection of the troubling reality facing people of color in our state.<sup>1</sup>



"We are the #1 targets—Black, Brown and Native youth. We are all just one bullet away from becoming a #hashtag. We are survivors of California's War on Drugs and the War on Gangs that has prioritized saturation policing in our schools and communities over funding for education, jobs and youth centers. We live in a state that has more prisons (33) than universities (29). We get prison prep, not college prep. California thinks our hall of fame comes with locks and chains[...]many of us are so traumatized by these experiences, that we are afraid of law enforcement."

— Youth of Color in California and their allies; Youth Justice Coalition

## A Coalition Born Out Of Crisis

California has currently more people die at the hands of police—more than 263 [from January 2015 to May 17, 2016]—than any other state in the country.<sup>2</sup> Seeking to address this crisis, the Communities United for Fair Policing Coalition was formed between January and March of 2015. The Coalition—comprised of six sponsoring organizations: ACLU of California, Asian Americans Advancing Justice, Dignity & Power Now, PICO California, Reform California, and Youth Justice Coalition—also includes grassroots groups and advocacy organizations. It also partnered with other organizations such as the Courage Campaign, Incite Insight, and Amplify to support its efforts. The coalition sought to address both police brutality and racial profiling (often the precursor to unlawful use of force). However, the bill that would have addressed use of force and deaths in law enforcement custody (AB 619) died in the California Assembly’s Appropriations Committee. Thus, the coalition put all of its energy and resources into supporting AB 953, the Racial and Identity Profiling Act of 2015.



Dr. Shirley Weber

Though California already had prohibitions against racial profiling, even the Legislature acknowledged in 2000 that these statutes are too vague to be effective in preventing this unlawful behavior. Through the limited data and lived experiences of those impacted, we know that racial profiling exists in California. However, there are no reliable numbers across the state regarding who the police stop and search. Without data, it is difficult to get any meaningful legislation passed that addresses racial profiling. The Coalition partnered with Assemblymember Dr. Shirley Weber’s office (D-San Diego) to produce AB 953.

*“Recent incidents have forced us to confront some ugly truths about the persistence of racial bias in law enforcement. AB 953 is the state’s first step toward not only understanding the problem of racial profiling, but also toward formulating policies to reduce the practice and its devastating consequences. California is going in a new direction on this issue; hopefully, this will set an example for other states.”*

– DR. SHIRLEY WEBER

### AB 953 EXPLAINED

AB 953 (The Racial and Identity Profiling Act of 2015—authored by Assembly Member Dr. Shirley Weber)—aims to eliminate the repressive and ineffective practice of racial and identity profiling, and improves law enforcement transparency and accountability. Specifically, AB 953:

- **Clarifies and modernizes** California’s existing racial and identity profiling laws (adding gender, national origin, religion, and sexual orientation to the definition);
- **Mandates that law enforcement collect and report basic information** on who they stop and creates a system for doing so; and
- **Establishes an advisory board** that develops solutions to curb profiling based on the data collected.

## Organizing for an “Act of God”

The push for AB 953 was paramount because by June 2015, every other major police-reform bill had been killed in the house where it originated in the California Legislature and AB 953 was the only one left. The odds seemed stacked against it. In fact, it was reported by insiders in the Capitol that it would take “an act of God for Governor Brown to sign AB 953.”<sup>3</sup> In response, the coalition developed a strategy to create a moral, intellectual, political and communications crisis for Governor Brown. Sustained prayer circles, vigils, as well as letters from clergy and academics – all documented carefully and skillfully communicated to the media – converged to give Governor Brown the “act of God” that he was looking for. During the final push of the campaign, singer/activist John Legend provided a critical spark when he signed onto the campaign to support the passage of AB 953 thanks to the hard work of Courage Campaign.



On June 6, 2015, Rosa Aqeel, PICO California’s former Legislative Director, made an impassioned plea at its bi-annual statewide Leadership Assembly encouraging staff, clergy, and leaders to rally supporters in their local communities to participate for a massive statewide day of action. By mid-July, PICO California and coalition partners ratified plans for the event to take place in September to escalate pressure on the governor and Senate. In the early hours of, Wednesday, September 2nd, 2015, over 1000 activists from all over California poured out of St. John’s Lutheran Church in Sacramento into the crisp morning air with a clear sense of purpose. They brandished signs, sang protest chants, and headed to the Capitol with a demand for justice and accountability. This sea of black, brown, native, and white faces represented a powerful, multi-racial, multi-faith, and multi-cultural coalition. The diversity of the participants was profound including: Native American activists from tribal lands in Del Norte County; Black and Latino community leaders from San Diego; Black clergy from Oakland and Muslim leaders from Los Angeles; Latino immigrants from the Central Valley and Asian Pacific Islanders from Silicon Valley. There were elders and youth representing every race, color, creed and community in California including families of loved ones targeted and slain by police. All of who lifted their voices in protest and in song which infused the gathering with a spiritual tone. To make this convening possible, PICO California organized more than a dozen buses that transported the majority of the 1,000 people who attended from all across California. The coalition worked together to bring the event to fruition from food and permits to planning the program, identifying speakers and activists, communicating directly with the governor’s office, and providing spiritual grounding and healing during this enchanted day.

## Caravan & Vigil: On a Journey4Justice

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Right after the powerful day of action, the Coalition reached out to those who are directly impacted by police violence and encouraged them to make phone calls, send letters, and visit the governor's office to remind him of his moral obligation to represent and protect all residents of California. Christian, Jewish, Muslim, and Native American faith leaders gave sermons on AB 953, and congregations from all across the state prayed for justice. On September 15th, PICO California delivered a letter to Brown from 15 top clergy representing the Jesuit, Muslim, Jewish, and Catholic faith traditions.

On Friday, September 25th, after the bill had been on the governor's desk with no signature for over 10 days, PICO California and Youth Justice Coalition launched a caravan dubbed "Journey 4 Justice" from Northern and Southern California to Sacramento. There were 16 caravan stops in San Diego, Orange County, Los Angeles (4 stops), Riverside, Fresno, Humboldt, Del Norte, San Jose, Richmond, Oakland, and Del Norte. Twenty events were hosted throughout the vigil including joint prayers, poetry, singing, dancing, and collecting of prayer cards (with a prayer for Governor Brown and signed by Californians) to deliver to the governor. Native American organizers placed prayer cards in beautiful Burden baskets and carried them across rivers to join the caravan to the Capitol. Once the caravan reached the Capitol, it delivered 3000+ prayer cards and 1100+ signatures from an online prayer petition to the governor urging him to sign the bill.

What followed, on September 27th was a 24-hour vigil at the State Capitol where community leaders vowed to maintain a constant presence and not to leave the grounds until the governor signed the bill. PICO California organizers arranged to have people at the encampment all-day every day. With tents, sleeping bags, food, and stories, activists stayed at the Capitol urging the governor to sign the bill. At night, candles spelling out "sign AB 953" could be seen from the streets. During the day, photos of those targeted and killed by police were displayed on the steps of the North lawn at the Capitol. Organizers spent days and nights talking to passers-by about the bill, singing, chanting, and holding vigil right outside of the governor's doors (during the day) and sleeping on the hard earth at night.

Simultaneously, on September 22, Asian Americans Advancing Justice and the ACLU reached out to Professors Cheryl Harris and Devon Carbide of UCLA Law School who drafted a letter in strong support of AB 953 that was signed by more than 190 law professors across the country, including four law school deans and more than seventy professors from California alone.

On Thursday, October 1st, after having identified eleven activists to volunteer, the Coalition announced a hunger strike ("solemn assembly") to begin the following Monday (October 5th) and would last until the deadline for the governor to sign AB 953 (a week later). Many people from across the state had agreed to fast as well on behalf of families who have lost loved ones to police violence. On Friday, October 2nd, Muslim activists (organized by Dignity & Power Now) held a Friday Prayer dubbed "Jumma @ the Journey4Justice" on the North Lawn at the Capitol which was visited by Assembly Member Weber. That evening, Jewish activist (led by Reform California) held a Passover Seder in solidarity with those holding vigil.

On Saturday, October 3rd, faced with the fruits of the Coalition's organizing efforts, which included, a nearly weeklong around the clock vigil, a barrage of phone calls, organizational letters, a letter from clergy, a letter from law professors, 22,000 signed petitions, 3000 signed prayer cards, 1100+ signatures from an online prayer petition, die-ins, an impending hunger strike, and stories of countless people impacted by racial profiling, Governor Brown signed AB 953, eight days before the deadline. The coalition had sufficiently created the moral imperative, which would have, if he had vetoed the bill, put Governor Brown on the wrong side of history. Many remarked that, through organizing and through prayer, the governor may have witnessed the "act of God" that he needed to sign the bill.

“The campaign for AB 953 harnessed the clear power and leadership that was demonstrated by those young people in Ferguson who refused to go inside when they were told to by law enforcement. That energy ignited those of us involved in ongoing organizing work. It reminded us of how important it is for us to occupy a presence in the public space. What happens when a diverse group of people holds space is that it redeems the soul of America. The movement was led by young, poor, black people, and it reminds America of what is supposed to be. The passage of AB 953 was a reminder that we have the opportunity to experience this again.”

– Rev. Ben McBride, Organizer, Regional Director of Clergy Development, PICO California

## Solidarity, Spirituality, Love, and Power: A Transformative Campaign

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Many of the organizers, advocates, and impacted people involved have described the AB 953 campaign as a spiritual and transformative experience. They have spoken of how much they had been impacted—in a positive way—by their participation in the campaign. Whether this meant engaging in civil disobedience, participating in a “die-in” for the first time, really reflecting on the fact that people had lost their lives, standing up and telling their stories to an audience, or simply saying a silent prayer from a place (and in a way) that they have never experienced before, many were transformed by the experience.

The organizing efforts to get AB 953 passed were a display of what happens when the Black Lives Matter and Say Her Name movements, Native American freedom struggles, and the activism of brown people, immigrants, faith communities and young people align and overlap. Regarding the perhaps overlooked benefits of having built a diverse coalition for the campaign, Betty Hung of Asian Americans Advancing Justice states, “The emphasis on consensus-building, compromise, and the lifting up of voices of those most impacted was key to building the trust needed to work together. Often when engaging in racial justice work, the experience itself of interacting with those with race, class, and other privilege can reproduce trauma. Many in this coalition expressed a sense of respect and camaraderie that allowed them to be effective in their work because they were included in the decision-making process.”

## For the Families

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For Theresa Smith, so much was lost on that fateful day in 2009—not only for her son’s family, but also for their entire community who was robbed of a kind soul, a gentle storyteller, an engaged father, and a community volunteer. Speaking in front of the large crowd on the day of action, Theresa spread some of Caesar’s ashes on the steps of the Capitol building. She said, “I wanted to take Caesar with me to Sacramento and I wanted to leave a part of him there.” She closed by saying, “for us, as mothers who have lost our children so suddenly and so violently, there is no justice. So what we are asking for instead, is accountability.” With the passage of AB 953, California is on its way to ensuring police accountability for all of the Theresa Smiths in California—of whom there are far too many.

# **HIGHLIGHTS** from the

## **SEPTEMBER 2ND STATEWIDE DAY OF ACTION PROGRAM:**

On the day of action itself, the coalition arranged to have community leaders (by district) visit every Senate office in order to tell their stories about being unfairly targeted by police. Each group, on the bus ride to Sacramento was presented with a packet containing information on visits and received training on what would occur at the Capitol.

In the segment dedicated to police violence against immigrants, Caesar Cruz's mother, Theresa Smith gave a powerful testimony and spread the ashes of her son on the steps of the Capitol.

While speaking of police violence targeting black women (#SayHerName), and LGBTQ people, Trineka Greer (PICO California), Salimah Hankins, Esq. (formerly of Dignity & Power Now), and Christi Ketchum (California Youth Connection), spoke the names of nearly 100 black women while guiding the activists through the first of four "die ins" [by laying on the ground for 4 ½ minutes to symbolize the 4 ½ hours that Michael Brown's body was left in the street by police].

Youth from the True North Organizing Network, a PICO California organization, performed a skit to dramatize the targeting that Native American people experience during the black, brown, and Native segment of the program.

Assembly Member, Dr. Shirley Weber (D-San Diego), the author of AB 953, gave a powerful speech about racial profiling and the importance of advocating for the bill.

After the official program outside the Capitol during the day of action on September 2, a group of activists agreed to stage a "sit in" in front of the governor's office, while hundreds of demonstrators took over the hallway, effectively blocking traffic on the main floor of the Capitol. Prior to this, PICO California had organized, identified, and trained 20 people who were willing to put their bodies on the line—by blocking the governor's office and agreeing not to leave until he agreed to meet with the coalition regarding signing the bill. PICO California had extensively

trained these individuals on non-violent resistance and had a given their pertinent information to the legal team for bail support in preparation of the worst- case scenario. The group of 20 included individuals particularly vulnerable to serious consequences in the event of arrest like deportation and revocation of parole/probation. In addition, the ACLU reached out to the National Lawyers' Guild in Sacramento to secure legal observers. As Reverend Stephen Lee of Alum Rock United Methodist Church, a congregation member of PACT San Jose said of his participation in blocking the governor's office, "We must be a voice for humanity in any way that we can, even if it means breaking the law. When it comes to justice, civil disobedience is biblical obedience."

### **Key moments while demonstrating in front of the governor's office**

- Though many of the activists who had travelled for hours to get there, were scheduled to leave, nearly everyone stayed effectively shutting down the governor's office. By means of song, chants, poetry, and through their stories, hundreds of activists called on the governor at the Capitol to sign the bill. Governor Brown did not respond.
- Their voices were amplified a hundred-fold through social media. Because of the powerful communications team led by PICO California and the ACLU, on that day #AB 953 became the most popular hashtag in the country (reaching the #1 spot).
- Those impacted by racial profiling and their loved ones shared powerful and painful stories of their experiences. From fatalities to everyday indignities, the group of hundreds of activists held space for them to share their stories.
- Dr. Shirley Weber visited activists to express her support and to offer encouragement, and Speaker Atkins accepted the 22,000+ petitions collected by the Courage Campaign in support of AB 953.

# WE ARE NOT TARGETS



California  
The Power of People™



PICO California  
Unlocking the Power of People™



PICO California  
Unlocking the Power of People™



PICO California  
Unlocking the Power of People™

# AB 953 Organizing *BY THE NUMBERS*

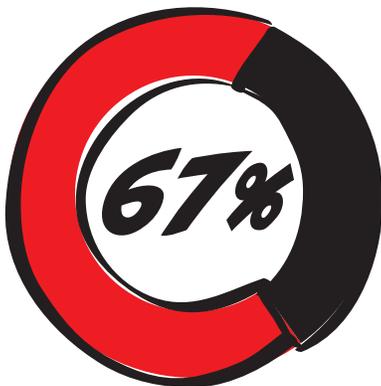
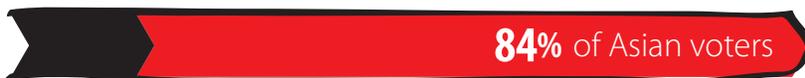


**276**

people killed by police between the introduction of AB 953 in February 2015 and July 2016<sup>6</sup>



of likely California voters believe African Americans are more likely to be discriminated against by police. This includes:<sup>4</sup>



of California voters supported the passage of AB 953.<sup>5</sup>



**STATEWIDE  
DAY OF ACTION**

over **1,000**

people participated in the Statewide Day of Action on September 2, 2015.

**25**

people organized by PICO California who were trained and prepared to participate in civil disobedience [including the risk of arrest] during the Statewide Action.



**#1**

#AB 953 was the number-one-trending hashtag in the U.S. on the Day of Action (September 2, 2015).



**24**

AB 953/racial justice trainings conducted by PICO California across the state



**190**

law professors submitted a joint statement to the governor in support of AB 953.



**DAY/NIGHT VIGIL**

**11**

people identified by PICO California who had prepared to stage a hunger strike and hold 24/7 vigil at the Capitol until the bill was signed [with hundreds of others planning to fast in solidarity].

**168**

hours that PICO California organizers held constant day/night vigil until the bill was signed. (Sept 27 – Oct 3).



**SIGNATURES**

**22,000**

signatures collected and delivered to Speaker Atkins for Governor Brown office through PICO California's efforts with Courage Campaign.

**3,100**

prayer cards signed and delivered to Governor Brown's office.

**1,100**

signatures on the online Prayer Petition.



**22**

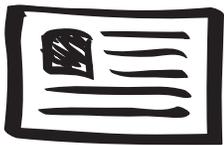
bishops, rabbis, imams, and other faith leaders wrote a moral appeal to Governor Brown urging him to sign AB 953.



*approximately*

**1,000**

Jewish leaders made calls to the governor's office.



*approximately*

**40**

Op-Ed and earned media stories covering the Sept 2nd Day of Action, Journey4Justice, and the AB 953 signing press conference.



people racially profiled in California

**We do not know, but thanks to AB 953, we will soon!**

## About PICO California

PICO California is the state's largest community organizing network. We organize in 73 cities, 35 school districts, and in more than one-half of the state's Senate and Assembly districts. PICO California was established in 1994, bringing together local federations from throughout California to affect meaningful budget and policy change at the state level. Over the past 20 years, our organizing and policy advocacy has resulted in increased investments in education and healthcare, and in programs and services that are critical for working families. Together, we represent 480 congregations and 450,000 families of diverse economic, racial, ethnic, and religious backgrounds committed to advancing racial and economic justice in California through organizing, advocacy, and voter engagement.

Our mission is to develop leadership and build capacity for civic engagement in congregations and communities throughout California. We develop solutions to issues facing our families and engage congregations in building stronger communities. Through our member organizations in each community, PICO California unites people of diverse economic, racial, ethnic, and religious backgrounds. In 2012, PICO California engaged in the state's largest volunteer civic engagement effort to turn out new and occasional voters and pass Proposition 30. Statewide, we contacted more than 175,000 voters as a result of this effort. PICO California is a statewide organizing effort of the PICO California National Network.

### (Endnotes)

- 1 <http://www.ppic.org/main/publication.asp?i=1125>
- 2 "The Counted: People killed by police," The Guardian, accessed May 17, 2015, <http://www.theguardian.com/us-news/ng-interactive/2015/jun/01/the-counted-police-killings-us-database>
- 3 "California Clergy to Governor Jerry Brown: We're Praying for you to Sign AB 953 (Racial Profiling)," Daily Kos, September 25, 2015, accessed November 4, 2015, <http://www.dailykos.com/story/2015/09/25/1424722/-California-Clergy-to-Governor-Jerry-Brown-We-re-Praying-for-You-to-Sign-AB-953-Racial-Profiling>.
- 4 <https://www.aclunc.org/news/new-poll-majority-california-voters-support-bill-curb-racial-profiling>
- 5 Ibid.
- 6 "The Counted: People killed by police," The Guardian, accessed May 17, 2015, <http://www.theguardian.com/us-news/ng-interactive/2015/jun/01/the-counted-police-killings-us-database>



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